



Attorney's Docket No. 006701.P002XC4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Julian N. Nikolchev, *et al.*

Application No.: 10/600,298

Filed: June 20, 2003

For: CONTRACEPTIVE TRANSCERVICAL  
FALLOPIAN TUBE OCCLUSION  
DEVICES AND METHODS

Examiner: Henry A. Bennett

Art Unit: 3743

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Enclosed is a copy of Information Disclosure Citation Form PTO/SB/08 together with copies of the documents cited on that form, except for copies not required to be submitted (e.g., copies of U.S. patents and U.S. published patent applications need not be enclosed for applications filed after June 30, 2003). It is respectfully requested that the cited documents be considered and that the enclosed Information Disclosure Citation Form be initialed by the Examiner to indicate such consideration and a copy thereof returned to Applicants.

Included in this IDS are documents from a patent litigation between Conceptus (Assignee of the present application) and Ovion (original Assignee of the Callister patents that Applicants are currently seeking an interference with). Many of these documents have also been submitted in Ovion's 08/770,123 application (now U.S. Patent No. 7,073,504) and its continuations. Applicants also submit herewith copies of the

dockets from the litigation, which list the documents filed with the Court during the proceedings. If the Examiner would like copies of any additional documents from the docket, Applicants would be happy to provide them.

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):

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☒ A check for \$180.00 for the fee under 37 C.F.R. § 1.17(p).

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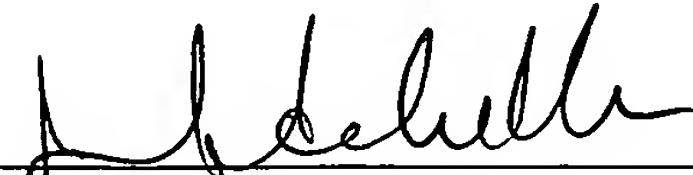
submission of the Information Disclosure Statement.

Please charge any shortages and credit any overcharges to our Deposit Account  
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Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 11/20, 2006

  
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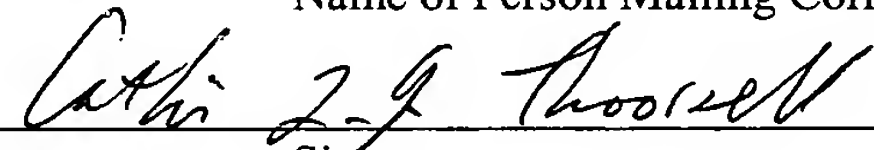
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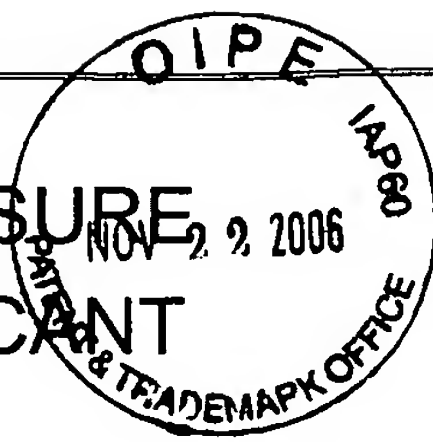
  
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Date

Substitute for Form 1449/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

**Complete if Known**

Application Number	10/600,298
Filing Date	June 20, 2003
First Named Inventor:	Julian N. Nikolchev
Art Unit	3743
Examiner Name	Henry A. Bennett
Attorney Docket No.	006701.P002XC4

Sheet	1.	of	3
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**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	1.	Conceptus, Inc.'s <u>Complaint for Declaratory Judgment of Patent Non-Infringement, Invalidity and Unenforceability; and Demand for Jury Trial</u> , Case #:3:02-cv-1968), filed in U.S. District Court Northern District of California, San Francisco Division, executed April 22, 2002, pages 1-10.	
	2.	Conceptus, Inc.'s <u>Conceptus, Inc.'s Patent Local Rule 4-2 Preliminary Claim Constructions and Extrinsic Evidence, with Proof of Service</u> Case No. C-02-1968 (MHP), filed in U.S. District Court Northern District of California, San Francisco Division, executed June 19, 2003, pages 1-16.	
	3.	Conceptus, Inc.'s <u>Conceptus' Amended Answer to Ovion's Complaint, Affirmative Defenses and Counterclaims, and Jury Demand</u> , Case No. C-02-3884 (MHP), filed in U.S. District Court Northern District of California, executed September 26, 2002, pages 1-12; Proof of Service, pages 1-2.	
	4.	Conceptus, Inc.'s <u>Conceptus' Answer to Ovion's Complaint, Affirmative Defenses and Counterclaims</u> , Case No. C-02-3884 (MHP), filed in U.S. District Court Northern District of California, executed September 25, 2002, pages 1-12.	
	5.	Conceptus, Inc.'s <u>Conceptus' Motion For Summary Judgment of Invalidity of the Asserted '116 Patent Claims in view of Conceptus, Inc.'s '979 Patent</u> Case No. C-02-1968 (MHP), filed in U.S. District Court Northern District of California, executed October 6, 2003, pages i-v and 1-25.	
	6.	Conceptus, Inc.'s <u>Declaration of Dr. Ralph M. Richart in Support of Conceptus, Inc.'s Motion for Summary Judgment of Invalidity of the Asserted '116 Patent Claims in View of Conceptus, Inc.'s '979 Patent</u> , Case No. C-02-1968 (MHP), filed in U.S. District Court Northern District of California, San Francisco Division, executed October 6, 2003, pages 1-	

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SENT FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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<b>Substitute for Form 1449/PTO</b>  <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/600,298
				Filing Date	June 20, 2003
				First Named Inventor:	Julian N. Nikolchev
				Art Unit	3743
				Examiner Name	Henry A. Bennett
Sheet	2.	of	3	Attorney Docket No.	006701.P002XC4

		14, Exhibits 1-5.	
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Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	7.	Conceptus, Inc.'s <u>First Amended Complaint For (1) Declaration Judgment of Patent Non-Infringement, Invalidity and Unenforceability; (2) False Advertising Under 15 U.S.C. § 1125(A); (3) Trade Libel; (4) Unfair Competition Under Common Law and Cal. B&amp;P §17200 Et Seq.; (5) Unjust Enrichment; and (6) Constructive Trust Demand for Jury Trial, Case #:3:02-cv-1968 MHP, filed in U.S. District Court Northern District of California, executed June 13, 2001, pages 1-19.</u>	
	8.	Conceptus, Inc.'s <u>Preliminary Invalidity Contentions, Case #:3:02-cv-1968 MHP and Case No. C-02-3884 (MHP), filed in U.S. District Court Northern District of California San Francisco Division, executed April 20, 2003, pages 1-129; Certificate of Service, pages 1-3.</u>	
	9.	KERIN, J.F., "New Methods for Transcervical Cannulation of the Fallopian Tube," <u>International Journal of Gynecology and Obstetrics</u> , 51 Suppl. 1 (1995) pages S29-S39.	
	10.	Ovion, Inc.'s and Conceptus, Inc.'s, <u>Joint Claim Construction and Prehearing Statement Pursuant to Patent Local Rule 4-3, Case No. C-02-3884 (MHP), filed in U.S. District Court Northern District of California, San Francisco Division, executed August 6, 2003, pages 1-5; Table 1, pages 1; Table 2, pages 1-67; Table 3, pages 1-6; and Joint Claim Construction and Prehearing Statement Pursuant to Patent Local Rule 4-3, with Expert Reports, tabs 1-4 as exhibits.</u>	

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	11.	Ovion, Inc.'s <u>Complaint for Patent Infringement; and Demand for Jury Trial</u> , Case No. C-02-3884, filed in U.S. District Court Northern District of California, executed August 13, 2002, pages 1-5.	
	12.	RISQUEZ, F., et al., "Transcervical Tubal Cannulation, Past, Present, and Future" <u>Fertility and Sterilization</u> , Centro Medico Docente La Trinidad, Caracas, Venezuela, and Mount Sinai Hospital Medical Center and Rush Medical College, Chicago, IL, Vol. 60, No. 2, August 1993 Pgs. 211-226.	
	13.	WILSON, E.W., "The Evolution and Methods for Female Sterilization", <u>International Journal of Gynecology &amp; Obstetrics</u> 51 Suppl. 1 (1995) S2-S13.	
	14.	WILSON, E.W., "Sterilization" <u>Baillière's Clinical Obstetrics and Gynecology</u> , Vol. 10, No. 1, April 1996, pages 103-119.	
	15.	U.S. District Court California Northern District Civil Docket For Case #:3:02-cv-01968 MHP, pages 1-10.	
	16.	U.S. District Court California Northern District Civil Docket For Case #:3:02-cv-03884, pages 1-8.	

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